

REMARKS

In accordance with the foregoing, claims 1, 12, 18, 24 and 33-35 have been amended. No new matter is being presented. Therefore, claims 1-38 are pending and reconsideration is respectfully requested.

AMENDMENTS TO CLAIMS 1, 18, 24 AND 33-35:

Regarding the amendments to these claims, it is noted that the amendments are being made to clarify the language and to improve the form of the claims. Further, with respect to at least claims 1, 18, and 24, the amendments are not being made to overcome the prior art rejections and are not believed to substantially affect the scope of the application.

OBJECTIONS TO THE SPECIFICATION:

Regarding the objection to the phrase, "sum signal," it is noted that this phrase refers to the reproduction recorded information using multiple signals which are summed together. Similarly, the phrase, "differential signal," refers to the reproduction of the recorded information using a detected difference between multiple signals. As such, it is believed that the existing disclosures would be understood by one skilled in the art.

OBJECTIONS TO THE CLAIMS:

Regarding the objection to claim 12, it is noted that claim 12 has been amended in accordance with the comments provided in the Office Action. Therefore, it is respectfully requested that the objection be withdrawn.

DOUBLE PATENTING:

Claims 1-35 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 7,009,926. However, in view of claims 1, 12, 18, 24, and 33-35 as presented above, it is believed that it would be premature to respond to the double patenting rejections until further consideration of these claims is given and/or until the rejection under 35 U.S.C. § 102 is resolved.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 2, 4, 5, 7, 11 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by Inazawa et al. (U.S. Patent 5,872,755). Claims 18, 19, 20, 22, 24, 25, 26, 28, 31, 32, 33, 34 and 35 are rejected under 35 U.S.C. §102(e) as being anticipated by Miyake et al. (U.S. Patent 6,580,684). These rejections are traversed.

Regarding the rejection of claim 1, it is noted that claim 1 recites a method of recording and/or reproducing data with respect to an information storage medium having a lead-in area, a user data area, and a lead-out area. According to the claim, the method comprises detecting compatibility information from at least one of the lead-in and lead-out areas, the compatibility information allowing a drive following an older version of standards to record and/or reproduce data with respect to the information storage medium following a new version of standards. The claims further recites transferring data with respect to the user data area in accordance with the compatibility information to make the drive of the older version of the standards compatible with the information storage medium of the new version of the standards via an application of the detected compatibility information.

Inazawa, on the other hand, is directed to a recording method for particular use with a recording medium in which two discs, each having a recording surface, have been cemented together. The method includes generating an audio signal by performing a specific modulation to convert an analog audio signal with a sampling frequency set to a multiple of the standard compact disc frequency (44.1kHz), and recording the generated digital audio signal to the recording medium.

To this end, Inazawa discloses the recording of a book type and a book version of the recording medium on the recording surface of the recording medium. However, even if, *arguendo*, the book type and book version correspond to the claimed old and new versions of standards, where the claimed invention transfers data in accordance with one of the old and new versions of standards, Inazawa fails to disclose that a similar action is undertaken with respect to the book type or book version. In fact, Inazawa merely discloses that, when the book type is [0000], the type is determined as a SD-standard read-only disc, for example, a DVD, in which case, the display 35 shows that the disc loaded in the reproducing apparatus is not for audio-use, and reproduction is not performed, and that, when the book type is [1000], the system controller 30 determines that the disc loaded in the reproducing apparatus is for audio-use, and performs reproducing operations by using the above-described reproducing system. See *Inazawa, at column 9, lines 56-64.*

Of course, that said, neither the book type nor the book version are analogous to the claimed old and new versions of standards since the old and new versions of standards refer to optimal writing patterns at different times in manufacturing histories of different products while the book type and the book version merely refer to whether the disc is for audio use or not.

Thus, applicants respectfully assert that claim 1 is patentably distinguished from the reference to Inazawa and that, therefore, this rejection of claim 1 is believed to be overcome.

Regarding the rejections of claims 2, 4, 5, 7, 11, it is noted that these claims depend from claim 1 and that, therefore, the rejections of these claims are also overcome for at least the reasons set forth above.

Regarding the rejection of claim 33 in view of Inazawa, it is noted that claim 33 is deemed patentable over Inazawa for substantially similar reasons as claim 1.

Regarding the rejections of claims 18 and 24 in view of Miyake, it is noted that these claims recite substantially similar features as claim 1. Regarding the rejections of claims 33-35, it is noted that these claims recite recording, in at least one of the lead-in and lead-out areas, one of compatibility information about whether the information storage medium is compatible with a drive following a version of standards older than that of the information storage medium, information about which one of a multi-pulse write strategy and a single-pulse write strategy is used to record data, and information about an optimal writing pattern so that the information is detectable and so that data is then transferable to the recording medium in accordance with the information.

In contrast, Miyake, which is directed to physical characteristics recorded within a sub-code to be recorded in a recording medium, discloses a write strategy unit 21 that finely adjusts an optimal recording power and shapes a laser drive pulse waveform. A write strategy code (WS1) presumably used by the write strategy unit 21 is recorded on the recording medium as six-byte disc information.

That said, Miyake never discloses that the write strategy unit is used to make a version of standards used by a drive compatible with a version of standards used by the recording medium. The simple fact that the write strategy unit 21 appears to somehow shape a laser drive waveform does not suggest that Miyake refers to the use of a multi-pulse or single pulse strategy and certainly does not suggest that such a strategy would be used to address compatibility problems between drives and recording media.

Thus, applicants respectfully assert that claims 18, 24 and 33-35 are patentably distinguished from the reference to Miyake and that, therefore, these rejections of claims 18, 24 and 33-35 are believed to be overcome.

Regarding the rejections of claims 19, 20, 22, 25, 26, 28, 31 and 32, it is noted that these claims depend from claims 18 and 24 and that, therefore, the rejections of these claims are also overcome for at least the reasons set forth above.

REJECTIONS UNDER 35 U.S.C. §103:

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over the art as applied to claim 1 and further in view of Sasa et al. (U.S. Patent 6,628,595), claims 4, 5, 7, 12, 13, 14, 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over the art as applied to claim 1 and further in view of Lim (U.S. Patent 6,330,215), claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over the art as applied to claim 12 and further in view of Miyake et al. (U.S. Patent 6,580,684), claims 18, 19, 20, 22, 24, 25, 26, 28, 31, 32, 33, 34 and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inazawa et al. (U.S. Patent 5,872,755) further considered with Miyake et al. (U.S. Patent 6,580,684), and claims 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over the art as applied to claim 24 and further in view of Tasaka et al. (U.S. Patent 7,068,579). However, since none of the additionally cited references cure the defects of the references to Inazawa and Miyake either alone or in combination, applicants respectfully assert that these rejections are overcome.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: _____

1/11/07

By: _____



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